

No. 4:12-CV-206-H

)

)

)

)

)

)

)

)

)

)

)


ORDER

This matter is before the court on defendant's motion to dismiss plaintiff's complaint for failure to effect service within the time prescribed by Rule 4(m) of the Federal Rules of Civil Procedure, which motion was filed on March 26, 2013. Rule 4(i) of the Federal Rules of Civil Procedure sets forth the manner in which service must be made upon the defendant in this action. Rule 4(m) further provides that service must be made within 120 days after the complaint is filed.

Defendant contends, and the court agrees, that plaintiff has not complied with the requirements for service of the defendant. Notice having been given to plaintiff of her noncompliance and plaintiff having failed to show good cause or request additional time to effect service, plaintiff's complaint is hereby DISMISSED WITHOUT PREJUDICE for failure to effect

service within the time prescribed by Rule 4(m). The clerk is directed to close this case.

This 17th day of June 2013.


MALCOLM J. HOWARD
Senior United States District Judge

At Greenville
#31